

SIXTY-THIRD DAY
(Monday, May 10, 1993)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

Patrick Flood, Executive Director, Austin Metropolitan Ministries, offered the invocation as follows:

O God of wisdom and mercy, be present in the deliberations of this body. The discussions and debates are ones that affect the lives and well-being of all people in the State of Texas. Our children's future is related to the deliberations. Help us to make wise choices, not based on personal rivalry or solely on specific interests, but rather on the interests of all. Help us to make decisions that will help our children to advance and grow in health and education, for they will be making the decisions in the future. And finally, help us realize that our work is a holy work of promoting the welfare of all, particularly the marginalized, the poor, and our children, who need us to represent their interests. Amen.

On motion of Senator Harris of Dallas and by unanimous consent, the reading of the Journal of the proceedings of Friday, May 7, 1993, was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 941

On motion of Senator Sibley and by unanimous consent, Senator Brown will be shown as Co-author of S.B. 941.

CO-AUTHOR OF SENATE BILL 1477

On motion of Senator Armbrister and by unanimous consent, Senator Truan will be shown as Co-author of S.B. 1477.

CO-AUTHOR OF SENATE RESOLUTION 695

On motion of Senator Turner and by unanimous consent, Senator Wentworth will be shown as Co-author of S.R. 695.

PERMISSION TO INTRODUCE BILLS AND RESOLUTION

On motion of Senator Harris of Dallas and by unanimous consent, Article III, Section 5 of the Texas Constitution and Senate Rule 7.07(b) were suspended to permit the introduction of the following bills and resolution:

S.J.R. 55	S.B. 1487
S.B. 1484	S.B. 1488
S.B. 1485	S.B. 1489
S.B. 1486	

MESSAGE FROM THE HOUSE

House Chamber
May 10, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 405, Relating to the continuation of the Texas Department of Commerce. (As substituted and amended)

S.B. 1067, Relating to the sentencing policy of the state and to offenses and punishments under the Penal Code, to offenses and punishments involving certain prohibited or dangerous substances, to the applicability of community corrections programs to persons charged with or convicted of certain of those offenses and to the effect of certain convictions, and to the civil consequences of certain offenses involving intoxication; providing conforming amendments. (As substituted and amended)

H.B. 931, Relating to certain fees charged by district clerks.

S.B. 24, Relating to the investment of county funds by electronic means.

S.B. 97, Relating to death benefits payable to the survivors of certain public servants. (As amended)

S.B. 311, Relating to certain investigations regarding the physical health or safety of a child.

S.B. 532, Relating to the creation of the state jail division of the Texas Department of Criminal Justice and the confinement of certain felons convicted of state jail felonies or awaiting transfer from county jails to the institutional division of the department; making an appropriation. (As substituted and amended)

S.B. 570, Relating to the responsibility of a political subdivision, its officers, or its employees for solid waste on certain property acquired through certain functions as sovereign.

S.B. 594, Relating to the firemen's relief and retirement fund in certain municipalities. (As substituted)

S.B. 695, Relating to powers and duties of certain municipal hospital authorities. (As amended)

S.B. 709, Relating to the management, investment, and expenditure of funds held by public institutions of higher education. (As amended)

S.B. 798, Relating to liability insurance and similar coverage for political subdivisions and for certain governmental officials and employees. (As amended)

S.B. 813, Relating to the regulation of certain plumbing activities and inspections; providing a penalty. (As amended)

S.B. 846, Relating to participation by institutions of higher education in the National Student Exchange Program.

S.B. 885, Relating to revolving fund programs administered by the Texas Water Development Board to provide financial assistance to political subdivisions.

S.B. 931, Relating to the conveyance of certain real property in Navarro County; making an appropriation.

S.B. 1022, Relating to child support related court costs in Bexar County.

S.B. 1068, Relating to authorizing the issuance of general obligation bonds for projects relating to facilities of corrections institutions, including youth corrections institutions. (As amended)

S.B. 1144, Relating to the consent of a person 17 years of age to donate blood or blood components.

S.B. 1229, Relating to the administration of certain districts providing fire and emergency services. (As amended)

S.B. 1322, Relating to the financing of property and improvements by a community center.

S.B. 1362, Relating to the designation of Enrolled Agents.

H.B. 70, Relating to the issuance of specially designed license plates for certain veterans of military service.

H.B. 209, Relating to the form of the ballot proposition for the sales and use tax that may be levied for the benefit of certain industrial development corporations.

H.B. 361, Relating to tax abatement agreements and truth in taxation.

H.B. 495, Relating to the interlocutory appeal by the state or a political subdivision of the state of certain orders.

H.B. 605, Relating to the forfeiture of proceeds from the commission of certain offenses and to the compensation of crime victims.

H.B. 610, Relating to tax assessor-collectors who are required to register with the Board of Tax Professional Examiners.

H.B. 641, Relating to issuance of prisoner of war license plates.

H.B. 667, Relating to notifying certain state employees when information in their personnel files is inspected under the open records law.

H.B. 710, Relating to log-in fees charged by a vehicle storage facility.

H.B. 722, Relating to authority of a law enforcement officer in Hidalgo County to refer a child to the Hidalgo County court conference committee.

H.B. 798, Relating to sentencing procedures in capital felony cases for offenses committed before September 1, 1991, and to the reformation of a sentence or an award of a new trial in a capital felony case.

H.B. 831, Relating to the Uniform Interstate Family Support Act.

H.B. 880, Relating to the composition and termination of the Legislative Natural Resources Board.

H.B. 937, Relating to a prohibition of certain discrimination regarding an employee who participates in an emergency evacuation.

H.B. 957, Relating to the review of placement of a child under the care of the Texas Department of Human Services.

H.B. 979, Relating to the appointment of a master in certain child support cases.

H.B. 1009, Relating to the recovery by certain state agencies of the costs of providing copies of public records.

H.B. 1047, Relating to the authority of the Texas Transportation Commission to establish vehicle weight loads on certain roads.

H.B. 1092, Relating to the punishment for certain criminal offenses committed on the premises of a public transportation system and the regulation of alcoholic beverages on the property of certain metropolitan transit authorities.

H.B. 1135, Relating to the towing of motor vehicles.

H.B. 1177, Relating to the sales and use tax that may be levied for the benefit of certain industrial development corporations.

H.B. 1185, Relating to purchasing by local governments; creating an offense.

H.B. 1207, Relating to the allocation of certain constitutionally dedicated funding for public institutions of higher education.

H.B. 1213, Relating to the laws governing cemeteries and perpetual care cemeteries; providing civil and criminal penalties.

H.B. 1214, Relating to reform of the laws of this state relating to bail; the licensing and regulation of bail bondsmen; providing civil penalties; providing criminal penalties; amending the Code of Criminal Procedure relating to bail and the forfeiture of bail.

H.B. 1224, Relating to the creation of a county court at law in Wilbarger County.

H.B. 1268, Relating to registration requirements for family homes and to deed and zoning restrictions of family homes; providing penalties.

H.B. 1357, Relating to a complainant's right to appear before the State Commission on Judicial Conduct.

H.B. 1379, Relating to the process of removing certain municipal officers from office.

H.B. 1411, Relating to the powers of a neighborhood enterprise association.

H.B. 1428, Relating to the employment or other presence of a minor on the premises of certain businesses selling alcoholic beverages.

H.B. 1445, Relating to the continuation of the Texas Alcoholic Beverage Commission and to the regulation of alcoholic beverages and bingo; providing penalties.

H.B. 1469, Relating to the treatment for tax purposes of property held and used for public purposes pursuant to an interlocal contract between political subdivisions.

H.B. 1494, Relating to the organization and operation of nonprofit corporations.

H.B. 1498, Relating to the participation in pro bono legal services to low-income Texans by prosecutors.

H.B. 1499, Relating to the participation in pro bono legal services to low-income Texans by some attorney employees of the State of Texas.

H.B. 1536, Relating to the prohibition of discrimination in the provision of certain solid waste services or subsidies for solid waste services in certain municipalities.

H.B. 1544, Relating to providing 9-1-1 emergency service to certain residential facilities; providing criminal penalties.

H.B. 1547, Relating to the appointment and election of commissioners of public housing authorities.

H.B. 1563, Relating to the rehabilitation of injured wildlife.

H.B. 1564, Relating to occupancy limits for rental dwellings.

H.B. 1565, Relating to a cash payment for rental of residential property.

H.B. 1600, Relating to the payment of the expenses for holding a local option election on the sale of alcoholic beverages.

H.B. 1601, Relating to the disclosure of applications for petitions for a local option election on the sale of alcoholic beverages and to the disclosure of those petitions.

H.B. 1643, Relating to the transportation of aquatic products.

H.B. 1673, Relating to garbage and rubbish collection by a county.

H.B. 1680, Relating to the authority of the Texas Department of Health over demolition and renovation activities to protect the public from emissions of asbestos.

H.B. 1719, Making appropriations for and directing payment of certain miscellaneous claims and judgments out of funds designated herein; requiring approval of the claims in the manner specified in this Act before payment is made.

H.B. 1766, Relating to the composition of the governing board of the Texas Partnership for Economic Development.

H.B. 1772, Relating to the priority for the distribution of the assets of a trust company on its liquidation.

H.B. 1773, Relating to the use of in-house counsel by the Banking Department of Texas.

H.B. 1783, Relating to the authority of the attorney general to receive criminal history information from the Department of Public Safety about certain applicants for employment.

H.B. 1809, Relating to the issuance of a subpoena.

H.B. 1844, Relating to the sale and conveyance of a certain tract of State-owned real property in Travis County and providing for the use and disposition of the proceeds of such sale.

H.B. 1872, Relating to certain building projects as enterprise zone projects.

H.B. 1873, Relating to state employee contributions to the federal old age and survivors insurance program.

H.B. 1892, Relating to the application and administration of the franchise tax.

H.B. 1924, Relating to the fees required of certain persons who practice public accountancy.

H.B. 1948, Relating to the authority of the Texas Partnership for Economic Development.

H.B. 1978, Relating to bicycle safety training courses.

H.B. 1990, Relating to the transfer of real property from political subdivisions to not for profit corporations created under Sections 4A and 4B of Article 5190.6, Vernon's Texas Civil Statutes.

H.B. 2067, Relating to an alternate promotional system for the police department in certain municipalities.

H.B. 2073, Relating to the practice of court reporting and taking of depositions.

H.B. 2077, Relating to the pooling of sick leave for county employees.

H.B. 2079, Relating to the enforcement of certain public health and safety laws.

H.B. 2088, Relating to the authority of a winery to give promotional bottles of wine to unlicensed persons in a civic center or convention center.

H.B. 2115, Relating to appropriations for the biennium ending August 31, 1993.

H.B. 2165, Relating to the liability of a taxing unit for certain costs.

H.B. 2271, Relating to the ability of the Texas Water Development Board to obtain insurance, and exempting Texas Water Development Board members and employees from personal liability relating to board business, and declaring an emergency.

H.B. 2237, To grant qualified immunity from civil liability to certain impartial third parties who conduct or facilitate alternative dispute resolution procedures.

H.B. 2333, Relating to evaluating the performance of public schools.

H.B. 2363, Relating to authorizing public junior colleges to charge an endowment fee and to establish an endowment fund.

H.B. 2364, Relating to the placement of students in public schools as a condition of probation.

H.B. 2389, Relating to continuing care facilities.

H.B. 2394, Relating to licensing a child care facility after the facility's license is suspended or revoked.

H.B. 2413, Relating to the exemption under the state sales and use tax for tangible personal property exported outside of the United States and the persons who may provide documentation to prove the exemption; providing penalties.

H.B. 2429, Relating to consideration of supplemental environmental projects when determining the amount of certain administrative penalties.

H.B. 2435, Relating to municipal solid waste source reduction and recycling goals.

H.B. 2446, Relating to the establishment of an organic standards and certification program; providing penalties.

H.B. 2477, Relating to commissioning certain magistrates as peace officers.

H.B. 2484, Relating to enforcing the duty to plug wells which have been abandoned or which have ceased operation.

H.B. 2564, Relating to the regulation of persons engaged in certain business activities.

H.B. 2593, Relating to ex parte communications by members of the State Commission on Judicial Conduct.

H.B. 2641, Relating to the board of directors and powers and duties of the Lynn County Hospital District.

H.B. 2715, Relating to the exemption of a residence homestead of married individuals.

H.B. 2716, Relating to forms prescribed by the comptroller to designate representation of property owner.

H.B. 2720, Relating to credit in the Employees Retirement System of Texas for certain service performed for a county child welfare board.

H.B. 2761, Relating to certain record keeping and reporting requirements in the criminal justice system.

H.B. 2778, Relating to eligibility for coverage under the Texas Employees Uniform Group Insurance Benefits Act.

H.B. 2813, Relating to qualification for a residence homestead exemption of property consisting of a term interest in a personal residence trust or a qualified personal residence trust.

H.B. 2820, Relating to the creation, administration, powers, duties, operation, and financing of the Rolling Plains Underground Water Conservation District.

H.B. 2825, Relating to the appointment of bailiffs of the district courts and county courts at law in Fort Bend County.

H.B. 2826, Relating to a court administrator in Fort Bend County.

H.B. 2845, Relating to the juvenile board of Castro, Hale, and Swisher counties.

H.B. 2853, Relating to the terms of the directors of the Trinity Bay Conservation District.

H.B. 2862, Relating to the creation, administration, powers, duties, operation, and financing of the Haskell/Knox County Underground Water Conservation District.

S.C.R. 43, Requesting the Council of the Alternative Dispute Resolution Section of the State Bar to provide advisory assistance to the Senate Committee on Jurisprudence. (As amended)

S.C.R. 62, Directing the State Preservation Board to include in its long-range master plan for the Capitol grounds a permanent exhibit or monument in tribute to children.

S.C.R. 81, Congratulating the winners and participants of the Gala Grand Opening of the Texas Association of Homes for the Aging's Third Annual Art Exhibition.

H.C.R. 106, Authorizing a committee to be created to designate a Poet Laureate for the State of Texas.

H.C.R. 115, Recognizing the blueberry festival in Nacogdoches as the official Texas Blueberry Festival.

H.C.R. 134, Congratulating the Texas Rural Water Association on the occasion of its 25th anniversary and designating January 14, 1994, as Rural Water Day in Texas.

H.B. 1461, Relating to insurance regulation and to the continuation, powers, and duties of the Texas Department of Insurance and the office of public insurance counsel; providing administrative penalties.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time, and referred to the committees indicated:

S.J.R. 55 by Patterson Criminal Justice
Proposing a constitutional amendment authorizing citizens to carry handguns.

S.B. 1484 by Patterson Natural Resources
Relating to the disposal of yard waste; providing a civil penalty.

S.B. 1485 by Harris of Tarrant Intergovernmental Relations
Relating to the method of dissolution for certain municipal utility districts.

S.B. 1486 by Madla Health and Human Services
Relating to compensation for the provision of care for persons with mental retardation.

S.B. 1487 by Sims Finance
Relating to the ad valorem taxation of cotton.

S.B. 1488 by Sims Natural Resources
Relating to the installation and repair of water well pumps and equipment.

S.B. 1489 by Bivins Education
Relating to public school education.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

H.B. 1510 to Committee on Health and Human Services.

H.B. 1705 to Committee on Education.

H.B. 2241 to Committee on Health and Human Services.

H.B. 2468 to Committee of the Whole Senate on Redistricting,
Ethics and Elections, Subcommittee on Elections and Ethics.

H.B. 2504 to Committee on Finance.

H.B. 2741 to Committee on Health and Human Services.

H.B. 2794 to Committee on State Affairs.

H.B. 2835 to Committee on State Affairs.

H.B. 2858 to Committee on Economic Development.

MESSAGE FROM THE GOVERNOR

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas
May 10, 1993

TO THE SENATE OF THE SEVENTY-THIRD LEGISLATURE,
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE STEPHEN F. AUSTIN STATE UNIVERSITY
BOARD OF REGENTS for terms to expire January 31, 1999:

RON ADKISON
1501 Highway 43 East
Henderson, Texas 75652

Mr. Adkison will be replacing Homer Bryce of Henderson, whose term expired.

MURRAY SHAW
5615 Bayton Loop
Austin, Texas 78745

Mr. Shaw will be replacing L. Kelly Jones of Arlington, whose term expired.

SIMON LYNN MONTES
306 Trailwood Circle
Lufkin, Texas 75901

Mr. Montes will be replacing Peggy Wright of Nacogdoches, whose term expired.

Respectfully submitted,

/s/Ann W. Richards
Governor of Texas

CAPITOL PHYSICIAN

Senator Barrientos was recognized and presented Dr. Eugene D. Pampe of Austin as the "Doctor for the Day."

The Senate welcomed Dr. Pampe and thanked him for his participation in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians.

SENATE RESOLUTION 902

Senator Truan offered the following resolution:

WHEREAS, It is with great pride that the Senate of the State of Texas welcomes Eduardo de Ibarrola on his visit to Austin, the capital of Texas, May 9 and 10, 1993; and

WHEREAS, Eduardo de Ibarrola is the Director General for Consular Affairs in Mexico's Ministry of Foreign Relations; and

WHEREAS, His visit to Texas is part of a mutual endeavor by Texas and Mexico to better understand each other's social, political, and administrative structures and ways of conducting business in the wake of the recent Free Trade Agreement between Mexico, the United States, and Canada; and

WHEREAS, The people of the State of Texas are honored to have Eduardo de Ibarrola as a visitor in our state, and our meetings with him will be of significant benefit in promoting greater cultural understanding between our societies and in helping to assure a close and cooperative relationship in this era of increasing trade and new dynamics; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby extend hospitality and a warm welcome to Eduardo de Ibarrola and express appreciation to him for sharing his expertise on his country and on a wide array of international issues; and, be it further

RESOLVED, That a copy of this Resolution be prepared for him as an expression of esteem from the Texas Senate.

The resolution was read.

On motion of Senator Zaffirini and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Truan, the resolution was adopted by a viva voce vote.

SENATE RESOLUTION 903

Senator Truan offered the following resolution:

WHEREAS, It is with considerable pleasure that the Senate of the State of Texas welcomes Rosalba Ojeda, Director General for North American Affairs in Mexico's Ministry of Foreign Relations; and

WHEREAS, This distinguished visitor to the Texas Senate will be in Austin May 9 and 10, 1993, to discuss the increasing trade between Mexico, the United States, and Canada as a result of the trilateral Free Trade Agreement; and

WHEREAS, Mrs. Ojeda's visit will serve as a beginning for the study of cultural differences between Texas and Mexico so the two neighbors can learn more about each other's social, political, and administrative structures and how each conducts business; and

WHEREAS, The future of Texas-Mexico relations is based on the new role of the two countries and the actions that can be undertaken to promote greater cultural understanding between our societies in order to assure a relationship based on cooperation and mutual respect; and

WHEREAS, It is indeed a privilege and a genuine delight to welcome such a notable individual as Rosalba Ojeda to the State of Texas and the Capital City; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby recognize Rosalba Ojeda and extend an official welcome to this esteemed citizen with sincere wishes that she have an enjoyable and successful visit; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Mrs. Ojeda as an expression of admiration and respect from the Texas Senate.

The resolution was read.

On motion of Senator Zaffirini and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Truan, the resolution was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Truan was recognized and introduced to the Senate Director General for Consular Affairs, Ministry of Foreign Relations, Eduardo de Ibarrola, and Director General for North American Affairs, Ministry of Foreign Relations, Mrs. Rosalba Ojeda, of Mexico.

The Senate welcomed these distinguished guests.

Senator Truan escorted his guests to the President's rostrum to receive an enrolled copy of their respective resolutions, S.R. 902 and S.R. 903.

(Senator Zaffirini in Chair)

SENATE RESOLUTION 878

Senator Sibley offered the following resolution:

S.R. 878, Recognizing the 200th anniversary of the birth of Robert Emmett Bledsoe Baylor.

The resolution was read and was adopted by a viva voce vote.

(President in Chair)

SENATE RESOLUTION 888

Senator Brown offered the following resolution:

WHEREAS, It is indeed a pleasure for the Senate of the State of Texas to congratulate one of our state's most beloved philanthropists, Oma Bell Perry, on the grand occasion of her 80th birthday, May 8, 1993; and

WHEREAS, Known throughout the State of Texas for her interest in preserving the history of Texas, the Confederacy, and Colonial America, Oma Perry has devoted her life to those principles she holds dear; and

WHEREAS, The daughter of Mordello Stephen Perry and Cora Alice Bell, Oma was born on May 8, 1913, at Bay City, Texas, in Matagorda County not far from her beloved Peach Point in Brazoria County; and

WHEREAS, Oma is the great-great-niece of Stephen F. Austin, the Father of Texas, who resided at Peach Point Plantation with his sister and her husband; and

WHEREAS, Her family eventually made their home on a ranch near Rio Frio when Oma, her mother, and sisters bought the Big Spring Ranch in 1928; Oma recently donated the ranch to a foundation for children; it will be renamed the Saint Jude Ranch for needy children and will accommodate 400 youths; and

WHEREAS, Oma Perry is loved not only for her devotion to many worthy organizations and goals, but for her graciousness, generosity, and exemplary life; and

WHEREAS, She has freely contributed her energy and talents to numerous associations including the Daughters of the Confederacy, Daughters of the Republic of Texas, Magna Charta Dames, Colonial Dames of the 17th Century, and Jamestown Settlers; and

WHEREAS, Her interest in our state and nation has led her to take an active role in civic affairs; she is vice-president of the Riverside and

Landowners protection coalition and has faithfully served as County Republican Chairman for eight years; and

WHEREAS, A devout Christian who lives her faith daily in her contacts with others, Oma Perry has been a member of the Gulf Prairie Presbyterian Church all of her life; and

WHEREAS, Her many friends gathered to honor the beloved individual on May 8, 1993, and to share in her memories of her remarkable life; she is truly deserving of the long and fruitful life with which she has been blessed; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 73rd Legislature, hereby extend happy birthday greetings to this esteemed Texan and declare her a treasured citizen of her state and nation; and, be it further

RESOLVED, That a copy of this Resolution be prepared for Oma Bell Perry as an expression of the gratitude and highest regard of the Texas Senate.

The resolution was read.

On motion of Senator Sims and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Brown, the resolution was adopted by a viva voce vote.

(Senator Henderson in Chair)

SENATE BILL 623 WITH HOUSE AMENDMENTS

Senator Carriker called S.B. 623 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Amendment No. 1

Amend S.B. 623 by substituting the following Subsection 23(a) for Subsection 23(a) on pages 33, 34, and 35 and by adding a new Subsection 23(d) on page 35 between lines 17-18 to read as follows:

Sec. 23. (a) The practice of a veterinarian who leases space from and practices veterinary medicine on the premises of a mercantile establishment must be owned by a licensed veterinarian. The practice and the leased premises must be under the exclusive control of a licensed veterinarian. The leased space must be definite and apart from the space occupied by other occupants of the premises, which means the space must be separated from space used by other occupants of the premises by the use of solid, opaque partitions or walls from floor to ceiling. Railings, curtains, and other similar arrangements are not sufficient to comply with the requirement of this subsection. The leased space shall have a patient's entrance opening on a public street, hall, lobby, corridor, or other public thoroughfare. The aisle of a mercantile establishment does not comply with the requirement of this subsection. An entrance to the leased space is not a patient's entrance within the meaning of this subsection unless the

entrance is actually used as an entrance by the veterinarian's patients. However, an additional patient's entrance, that may be non-opaque, is permitted from inside the mercantile establishment directly into the leased space. No part of the veterinarian's practice may be conducted as a department or concession of the mercantile establishment and there may not be legends or signs stating "Veterinary Department", or other words that imply the practice is not an independent veterinary practice, displayed in the premises or in any advertising for the premises. Any use of a veterinarian's name must clearly indicate that the veterinarian's practice is independent and not under the ownership or control of the mercantile establishment. Provided, however, this paragraph shall not prohibit the delivery of temporary limited-service veterinary activities, including preventative veterinary services, such as vaccinations and testing, at a mercantile establishment not owned or under the exclusive control of a veterinarian so long as such services are delivered by a veterinarian and are periodic only in nature. The Board may establish by rule the conditions under which such services may be provided.

(d) The provisions of Subsection (a) of this section regarding the requirement of a patient's entrance opening on a public street, hall, lobby, corridor or other public thoroughfare do not apply to a practice or its legal successor operating in space in which the practice was open and operating prior to January 1, 1993.

Floor Amendment No. 2

Amend S.B. 623 on page 24, by inserting after line 7, the following:

(d) A subcommittee of the board shall recommend the amount of the penalty based on a standardized penalty schedule. The subcommittee shall consist of at least one public member of the board. The penalty schedule used by the subcommittee shall be developed by the board, through rule, and shall be based on the criteria in Subsection (c) of this section.

(e) If the subcommittee of the board determines that a violation has occurred, it may issue to the board a report that states the facts on which the determination is based and the subcommittee's recommendation on the imposition of a penalty, including a recommendation on the amount of the penalty.

(f) Within 14 days after the date the report is issued to the board, the executive director shall give written notice of the subcommittee's report to the person who committed the violation. The notice may be given by certified mail. The notice must include a notice of all the alleged violations and a statement of the amount of the recommended penalty and must inform the person that the person has a right to a hearing on the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty.

(g) Within 20 days after the date the person receives the notice, the person in writing may accept the determination and recommended penalty of the subcommittee or may make a written request for a hearing on the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of the penalty.

(h) If the person accepts the determination and recommended penalty of the subcommittee, the board by order shall approve the determination and impose the recommended penalty.

(i) If the person requests a hearing or fails to respond timely to the notice, the executive director shall set a hearing and give notice of the hearing to the person. The hearing shall be held by an administrative law judge of the State Office of Administrative Hearings. The administrative law judge shall make findings of fact and conclusions of law and promptly issue to the board a proposal for a decision about the occurrence of the violation and the amount of a proposed penalty. Based on the findings of fact, conclusions of law, and proposal for a decision, the board by order may find that a violation has occurred and impose a penalty or may find that no violation occurred.

(j) The notice of the board's order given to the person under the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes) and its subsequent amendments must include a statement of the right of the person to judicial review of the order.

(k) Within 30 days after the date the board's order is final as provided by Section 16(c), Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), and its subsequent amendments, the person shall:

(1) pay the amount of the penalty;

(2) pay the amount of the penalty and file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of penalty;
or

(3) without paying the amount of the penalty, file a petition for judicial review contesting the occurrence of the violation, the amount of the penalty, or both the occurrence of the violation and the amount of penalty.

(l) Within the 30-day period, a person who acts under Subsection (j)(3) of this section may:

(1) stay enforcement of penalty by:

(A) paying the amount of the penalty to the court for placement in an escrow account; or

(B) giving to the court a supersedeas bond that is approved by the court for the amount of the penalty and that is effective until all judicial review of the board's order is final; or

(2) request the court to stay enforcement of the penalty by:

(A) filing with the court a sworn affidavit of the person stating that the person is financially unable to pay the amount of the penalty and is financially unable to give the supersedeas bond; and

(B) giving a copy of the affidavit to the executive director by certified mail.

(m) An executive director who receives a copy of an affidavit under Subsection (k)(2) of this section may file with the court, within five days after the date the copy is received, a contest to the affidavit. The court shall hold a hearing on the facts alleged in the affidavit as soon as

practicable and shall stay the enforcement of the penalty on finding that the alleged facts are true. The person who files an affidavit has the burden of proving that the person is financially unable to pay the amount of the penalty and to give the supersedeas bond.

(n) If the person does not pay the amount of the penalty and the enforcement of the penalty is not stayed, the executive director may refer the matter to the attorney general for collection of the amount of the penalty.

(o) Judicial review of the order of the board:

(1) is instituted by filing a petition as provided by Section 19, Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes), and its subsequent amendments; and

(2) is under the substantial evidence rule.

(p) If the court sustains the occurrence of the violation, the court may uphold or reduce the amount of the penalty and order the person to pay the full or reduced amount of the penalty. If the court does not sustain the occurrence of the violation, the court shall order that no penalty is owed.

(q) When the judgment of the court becomes final, the court shall proceed under this subsection. If the person paid the amount of the penalty and if that amount is reduced or is not upheld by the court, the court shall order that the appropriate amount plus accrued interest be remitted to the person. The rate of the interest is the rate charged on loans to depository institutions by the New York Federal Reserve Bank, and the interest shall be paid for the period beginning on the date the penalty was paid and ending on the date the penalty is remitted. If the person gave a supersedeas bond and if the amount of the penalty is reduced, the court shall order the release of the bond after the person pays the amount.

(r) A penalty collected under this section shall be remitted to the comptroller for deposit in the general revenue fund.

(s) All proceeding under this section are subject to the Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes) and its subsequent amendments.

(t) Nothing in this article shall be construed as preventing the board from assessing an administrative penalty using an informal proceeding governed by the requirements in Section 18F of this Act.

Amendment No. 3

Amend S.B. 623 on page 11, line 21 by inserting the following appropriately numbered bill section and renumbering subsequent sections.

SECTION _____. Veterinary Licensing Act is amended by adding Section 5C to read as follows:

Sec. 5C. TRAINING AND GUIDELINES FOR MEMBERS OF THE BOARD. (a) The board shall establish a training program for the members of the board.

(b) Before a member of a board may assume the member's duties, the member must complete at least one course of the training program established under this section, and before the member may be confirmed by the senate, the member must pass an examination given in conjunction

with the attorney general on subjects described by Subsections (c)(7), (8), and (9) of this section.

(c) A training program established under this section shall provide information to a participant regarding:

(1) the enabling legislation that created the board to which the member is appointed;

(2) the programs operated by the agency;

(3) the role and functions of the agency;

(4) the rules of the agency with an emphasis on the rules that relate to disciplinary and investigatory authority;

(5) the current budget for the agency;

(6) the results of the most recent formal audit of the agency;

(7) the requirements of the:

(A) open meetings law, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967 (Article 6252-17, Vernon's Texas Civil Statutes), and its subsequent amendments;

(B) open records law, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes), and its subsequent amendments; and

(C) Administrative Procedure and Texas Register Act (Article 6252-13a, Vernon's Texas Civil Statutes) and its subsequent amendments;

(8) the requirements of the conflict of interest laws and other laws relating to public officials; and

(9) any applicable ethics policies adopted by that state agency or the Texas Ethics Commission.

(d) In developing the training requirements provided for in this section, the board shall consult with the governor's office, the attorney general's office, and the ethics commission.

(e) In the event that another state agency or entity is given the authority to establish the training requirements, the board shall allow that training in lieu of developing its own program.

The amendments were read.

On motion of Senator Carriker and by unanimous consent, the Senate concurred in the House amendments to S.B. 623 by a viva voce vote.

(President in Chair)

CONFERENCE COMMITTEE REPORT ON SENATE BILL 830 ADOPTED

Senator Luna called from the President's table the Conference Committee Report on S.B. 830. The Conference Committee Report was filed with the Senate on Friday, May 7, 1993.

On motion of Senator Luna, the Conference Committee Report was adopted by the following vote: Yeas 31, Nays 0.

SENATE BILL 556 WITH HOUSE AMENDMENT

Senator Armbrister called S.B. 556 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment No. 1

Amend S.B. 556 as follows:

(1) In SECTION 1 of the bill, at the end of Subchapter H, Chapter 436, Health and Safety Code, add the following:

Sec. 436.103. FEE ON OYSTER SALES; PENALTIES. (a) A certified shellfish dealer who handles oysters taken from the water of this state shall pay the department a fee of \$1 for each barrel of oysters processed by the certified shellfish dealer.

(b) A certified shellfish dealer shall pay a fee imposed by this section not later than the 30th day of the month following the month in which the barrel of oysters was handled. A certified shellfish dealer who fails to pay the fee in full within the prescribed period is liable for a penalty of 10 percent of the amount due. The department may suspend, until the fee or penalty is paid, the shellfish certificate of a certified shellfish dealer who fails to timely pay the fee or penalty in full. The department may revoke the shellfish certificate of a certified shellfish dealer who refuses to pay a fee or penalty on written demand of the department.

(c) The department shall deposit fees and penalties collected under this section to the credit of the general revenue fund to be allocated each quarter to the department for oyster-related activities, including:

(1) contracting for water sample analysis for classification and opening or closing of oyster harvesting areas;

(2) the study of organisms in oysters that are harmful to consumers of oysters;

(3) the education of the public on health issues relating to oyster consumption;

(4) the sanitary handling of oysters at the wholesale, retail, and consumer level; and

(5) the optional additional marking of the boundaries of areas declared closed by the commissioner.

(d) The department shall adopt rules, forms, and procedures to obtain from a certified shellfish dealer required to pay fees under this section information on the:

(1) location of the oysters harvested;

(2) identity of the harvesting boat;

(3) identity of the captain and the number of crew of the harvesting boat; and

(4) identity of the receiving certified shellfish dealer.

(2) In SECTION 1 of the bill, at the end of Subchapter H, Chapter 436, Health and Safety Code, in the reference to the sections reserved for expansion, strike "436.103" and substitute "436.104".

(3) Insert a new SECTION 4 to read as follows and renumber subsequent SECTIONS of the bill accordingly:

SECTION 4. Section 76.019, Parks and Wildlife Code, is repealed.

The amendment was read.

Senator Armbrister moved that the Senate do not concur in the House amendment, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

The President asked if there were any motions to instruct the conference committee on S.B. 556 before appointment.

There were no motions offered.

The President announced the appointment of the following conferees on the part of the Senate on the bill: Senators Armbrister, Chair; Brown, Parker, Lucio, and Truan.

SESSION TO CONSIDER EXECUTIVE APPOINTMENTS

The President announced the time had arrived to consider the executive appointments to agencies, boards, and commissions. Notice of submission of these names for consideration was given Friday, May 7, 1993, by Senator Barrientos.

Senator Barrientos moved confirmation of the nominees reported Friday, May 7, 1993, by the Committee on Nominations.

The President asked if there were requests to sever nominees.

Senator Bivins requested the appointment of RAMON CLASS, Randall County, to be a Member of the Texas Workers' Compensation Commission, be severed.

The request was granted.

NOMINEES CONFIRMED

The following nominees, not severed and reported Friday, May 7, 1993, by the Committee on Nominations, were confirmed by the following vote: Yeas 31, Nays 0.

Members, Credit Union Commission: EDWARD LEON EWING, Bexar County; SERGEANT LARRY Q. OLIVAREZ, Nueces County; WILLIAM RUELLE PARKER, Jefferson County; TERRY R. STAPLETON, Harris County.

Member, Board of Trustees of the Employees Retirement System of Texas (Appointed by the Chief Justice of the Supreme Court of Texas): MILTON HIXSON, Travis County.

Members, Texas High Speed Rail Authority Board of Directors: DR. JOHN S. BELEW, McLennan County; HERSHEL RAYMOND PAYNE, Tarrant County.

Members, Teacher Retirement System of Texas Board of Trustees: FRANK W. CAMP, Terry County; CHARLSETTA MARIE WILLIAMS FINLEY, El Paso County.

Members, Texas Workers' Compensation Commission: ROYCE FAULKNER, Travis County; DONNA LYNN SNYDER, Dallas County.

Members, Governing Committee of the Workers' Compensation Insurance Facility: JAMES R. HARDEMAN, Denton County; RICHARD J. HOYER, Ward County.

Members, Guadalupe-Blanco River Authority Board of Directors: MARSHALL RAY HOLYBEE, Refugio County; WANDA ROBERTS, Calhoun County.

Member, Texas High Speed Rail Authority Board of Directors: MARCIA JOHNSON, Harris County.

Judge of the 102nd Judicial District Court, Bowie and Red River counties: JOHN F. MILLER, JR., Bowie County.

Justice of the Court of Appeals, Second Supreme Judicial District: JUDGE MARYELLEN HICKS, Tarrant County.

Member, Texas Board of Professional Land Surveying: RAY CHARLES JONES, Harris County.

Member, Texas State Board of Medical Examiners: DR. MARIANNE BEARD, Tarrant County.

Member, Texas Council on Offenders With Mental Impairments: BELINDA JOY HILL, Harris County.

Member, Texas-Mexico Authority Advisory Board: WILLIAM R. LEO, Hidalgo County.

Members, Texas State Board of Public Accountancy: DR. NITA J. DODSON, Rockwall County; WANDA LORENZ, Dallas County; FRANK W. MARESH, Harris County; ROEL "ROY" MARTINEZ, Hidalgo County; LORRAINE J. YANCEY, Travis County.

Members, State Seed and Plant Board: DR. AUBREY JAMES ALLISON, Swisher County; DR. DICK L. AULD, Lubbock County; DR. EDWARD C. A. RUNGE, Brazos County.

Members, Texas Surplus Property Agency Board of Directors: GLADYS A. ALONZO, Travis County; LUKIN T. GILLILAND, JR., Bexar County.

Members, Texas Workers' Compensation Insurance Fund Board of Directors: GLENN BIGGS, Bexar County; PATRICIA A. CRAWFORD, El Paso County; WALTER D. DAVIS III, Fort Bend County; LARRY KEITH DURRETT, Cherokee County; IRMA E. GUZMAN FLORES, Bexar County; LOWELL H. LEBERMANN, Travis County; LLOYD E. MOSS, Johnson County; BEN MUNSON, Grayson County; STEPHEN VAN SADLER, Liberty County.

Member, Guadalupe-Blanco River Authority Board of Directors: OLGA LARA, Comal County.

Members, Texas Commission on Law Enforcement Officer Standards and Education: OFFICER JAMERSON J. BERRY, JR., Harris County; CHIEF BARBARA J. CHILDRESS, Tarrant County; SHERIFF CARL R. GRIFFITH, JR., Jefferson County; SHERIFF ADAN MUNOZ, JR., Kleberg County.

Members, Texas Commission of Licensing and Regulation: CLARA CALDWELL, Travis County; CARMEN MITCHELL, Dallas County;

BECKY K. MOELLER, Nueces County; RONALD LYNN RASPBERRY, Montgomery County.

Members, Texas Turnpike Authority: RAUL A. BESTEIRO, JR., Cameron County; MICHAEL Y. CHOU, Harris County; LUTHER G. JONES, JR., Nueces County; NATHELYNE A. KENNEDY, Fort Bend County.

Members, Texas Youth Commission: PETE HARRELL, Travis County; DR. LEONARD E. LAWRENCE, Bexar County.

Members, Texas State Board of Examiners of Professional Counselors: DR. KAREN HAUN BARLOW, Tarrant County; DR. BERTRAM B. BUTLER, Galveston County; DR. JAMES O. MATHIS, Walker County.

Members, Texas Funeral Service Commission: MARTHA FITZWATER, Bexar County; COMMISSIONER NORBERTO SALINAS, SR., Hidalgo County.

Member, Texas Juvenile Probation Commission: VICTORIA HUNTER BALDWIN, Travis County.

Members, State Board of Examiners of Marriage and Family Therapists: DR. MARIA T. FLORES, Bexar County; LESLIE E. GOOLISHIAN, Galveston County; DR. BOBBIE A. HENDERSON, Harris County; THE REVEREND JEROME McNEIL, JR., Dallas County; DR. THOMAS A. MILHOLLAND, Taylor County; DR. HARRIET H. ROBERTS, Harris County; DR. LUCILLE M. ROMEO, El Paso County; DR. DAVID A. TALBOT, SR., Hunt County.

Members, Texas Board of Licensure for Professional Medical Physicists: DR. RALPH BLUMHARDT, Bexar County; DR. STEWART C. BUSHONG, Harris County; DR. DAVID LEE GOFF, Bexar County; DR. THOMAS S. HARLE, Harris County; DR. PAUL H. MURPHY, Harris County; DR. LESTER J. PETERS, Harris County; DR. WAYNE A. WIATROWSKI, Bexar County; DR. ANN E. WRIGHT, Harris County.

Members, State Board of Nurse Examiners: ROSE MARIE CABALLERO, Nueces County; PAT CROWE, Tarrant County; DEAN MARY V. FENTON, Galveston County.

Members, Texas Advisory Board of Occupational Therapy: ESPERANZA JUAREZ BRATTIN, Hidalgo County; STACY DINKOWITZ-BEYER, El Paso County; KIKUJO FORD, Tarrant County.

Members, Texas Optometry Board: THERESA KARABLY GIOLMA, Bexar County; DR. STANLEY C. PEARLE, Dallas County.

Members, Texas State Board of Physical Therapy Examiners: CECILIA GARCIA AKERS, Bexar County; NORMA L. DEERING MANCILLA, El Paso County; BARBARA BRANDON SHELL, Harris County; DR. ANN L. WALKER, Dallas County.

Members, Texas Board of Examiners of Psychologists: SUSAN S. ASKANASE, Harris County; DR. LORRAINE E. BRECKENRIDGE, Harris

County; OLGA M. "COOKIE" MAPULA, El Paso County; DR. ROBERTA L. NUTT, Denton County.

Branch Pilot for the Sabine Bar, Pass and Tributaries: CAPTAIN THOMAS B. SMITH, Jefferson County.

Members, Upper Guadalupe River Authority Board of Directors: GEORGIA H. CHRISTLEY, Kerr County; WALDEAN GROFF, Kerr County; ERNEST LINARES, Kerr County; JOHN R. MOSTY, Kerr County; LARESA SMITH, Kerr County.

Members, State Board of Vocational Nurse Examiners: ROJELIO CUEVAS, Hidalgo County; MELBA LEE-HOSEY, Harris County; OPAL M. ROBINSON, Lubbock County; DR. MORRIS SPECTOR, Bexar County.

SENATE BILL 126 WITH HOUSE AMENDMENT

Senator Harris of Tarrant called S.B. 126 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the House amendment before the Senate.

Amendment

Amend S.B. 126 by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the regulation of sight distances along county roads in certain counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 2.411, County Road and Bridge Act, (Article 6702-1, Vernon's Texas Civil Statutes), is repealed.

SECTION 2. The heading of subchapter F, Chapter 2, County Road and Bridge Act (Article 6702-1, Vernon's Texas Civil Statutes), is amended to read as follows:

SUBCHAPTER F. REGULATION OF SIGHT DISTANCES ALONG COUNTY ROADS [~~WITH POPULATION OF 950,000 OR MORE~~]

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house is hereby suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

On motion of Senator Harris of Tarrant and by unanimous consent, the Senate concurred in the House amendment to S.B. 126 by a viva voce vote.

BILLS AND RESOLUTION SIGNED

The President announced the signing of the following enrolled bills and resolution in the presence of the Senate after the captions had been read:

H.C.R. 55	H.B. 757	H.B. 2799
H.B. 1828	H.B. 1270	H.B. 81
H.B. 2133	H.B. 345	H.B. 119
H.B. 2289	H.B. 1403	H.B. 383
H.B. 2515	H.B. 758	H.B. 1021
H.B. 810	H.B. 367	H.B. 1232
H.B. 1275	H.B. 1589	H.B. 1312
H.B. 2434	H.B. 793	H.B. 1476
H.B. 1596	H.B. 478	H.B. 1239
H.B. 49	H.B. 1074	H.B. 1765

SENATE BILL 1295 ON THIRD READING

On motion of Senator Ratliff and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its third reading and final passage:

S.B. 1295, Relating to a refund of certain ad valorem taxes.

The bill was read third time.

VOTES RECONSIDERED

On motion of Senator Ratliff and by unanimous consent, the vote by which the regular order of business on **S.B. 1295** was suspended was reconsidered.

Question—Shall the regular order of business be suspended?

On motion of Senator Ratliff and by unanimous consent, the vote by which **S.B. 1295** was passed to engrossment was reconsidered.

Question—Shall the bill be passed to engrossment?

On the motion of Senator Ratliff and by unanimous consent, the vote by which Floor Amendment No. 1 to **S.B. 1295** was adopted was reconsidered.

Question—Shall Floor Amendment No. 1 to **S.B. 1295** be adopted?

On motion of Senator Ratliff and by unanimous consent, Floor Amendment No. 1 to **S.B. 1295** was withdrawn.

Senator Leedom offered the following amendment to the bill:

Amend **S.B. 1295** in SECTION 1 by substituting a new Subsection (b), Section 42.43, Tax Code, to read as follows:

(b) For refund made under this section because an exemption under Section 11.20 that was denied by the chief appraiser or appraisal review board is granted, the taxing unit shall include with the refund interest on the amount refunded calculated at an annual rate that is equal to the auction average rate quoted on a bank discount basis for three-month treasury bills issued by the United States government, as published by the Federal Reserve Board, for the week in which the taxes became delinquent, but not more than [of] 10 percent, calculated from the delinquency date for the taxes [amount refunded was paid by the property owner] until the date

the refund is made. For any other refund made under this section, the taxing unit shall include with the refund interest on the amount refunded at an annual rate that is equal to the auction average rate quoted on a bank discount basis for three-month treasury bills issued by the United States government, as published by the Federal Reserve Board, for the week in which the taxes became delinquent, but not more than [of] eight percent, calculated from the delinquency date for the taxes until the date the refund is made. However, if a taxpayer receiving a refund under this section shows that it was necessary to borrow the protested amount of taxes paid, the taxpayer is entitled to recover the amount of actual interest paid, but not more than nine percent, calculated from the delinquency date for the taxes until the date the refund is made.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Ratliff and by unanimous consent, the caption was again amended to conform to the body of the bill as amended.

The bill as amended was again passed to engrossment by a viva voce vote.

SENATE BILL 1295 ON THIRD READING

Senator Ratliff moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 1295 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was again read third time and was finally passed by a viva voce vote.

MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 1173 ON SECOND READING

Senator Barrientos moved to suspend the regular order of business to take up for consideration at this time:

C.S.S.B. 1173, Relating to additional court filing fees to provide civil legal services to the indigent and to supplement salaries of State Bar personnel.

The motion was lost by the following vote: Yeas 16, Nays 13. (Not receiving two-thirds vote of Members present)

Yeas: Armbrister, Barrientos, Carriker, Ellis, Haley, Madla, Moncrief, Montford, Rosson, Shelley, Sims, Truan, Turner, West, Whitmire, Zaffirini.

Nays: Bivins, Brown, Harris of Tarrant, Harris of Dallas, Henderson, Luna, Nelson, Parker, Patterson, Ratliff, Shapiro, Sibley, Wentworth.

Absent: Leedom, Lucio.

GUESTS PRESENTED

Senator Truan was recognized and introduced to the Senate a group of students from Kaufer High School of the Riviera Independent School

District along with Superintendent Charles Zepeda and the principal of Kaufer High School, Keith Chapman.

The Senate welcomed these guests.

SENATE BILL 1100 ON SECOND READING

On motion of Senator West and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1100, Relating to the regulation of health spas.

The bill was read second time.

Senator West offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend S.B. 1100 as follows:

(1) On page 15, line 26 strike SECTION 6 and add the following:
SECTION 6. The Health Spa Act (Article 5221i, Vernon's Texas Civil Statutes) is amended by adding Section 10B to read as follows:

Sec. 10B. EXEMPTION FROM SECURITY REQUIREMENTS. (a) As provided in this section, a health spa registrant may apply for an exemption from the security requirements of Section 10 of this Act. To qualify for an exemption, a registrant must first file an application for an exemption on a form approved by the secretary. The application shall be verified by the person authorized by the secretary to make the application. On approval of the exemption, the secretary shall issue a certificate of exemption. A registrant who has been granted a certificate of exemption by the secretary shall not be required to post a bond or other security as required by Section 10 of this Act.

(b) A health spa registrant may apply for an exemption from the security requirements of Section 10 of this Act if it meets the following criteria:

(1) the registrant does not require a health spa consumer to:

(A) execute a membership contract for a term exceeding 31 days;

(B) execute a note or a retail installment contract;

(C) authorize a draw or other recurring debit on a financial institution to the favor of the registrant or the registrant's assignee;

(D) pay an initiation fee or other fee except monthly dues;
or

(E) prepay for a term exceeding 31 days; and

(2) the registrant does not solicit or offer any plan or program which contains any of the elements identified in Subdivision (1) of this subsection.

(c) Alternatively, a health spa registrant may apply for an exemption from the security requirements of Section 10 of this Act if:

(1) the registrant owns and operates at least one health spa located in this state which has operated continuously at one location for at least five years; and

(2) none of the members of a health spa owned by the registrant has initiated or filed a complaint with any governmental authority in this state relating to the closing of a health spa owned by the registrant or the failure of a health spa owned by the registrant to open.

(d) If a health spa registrant, who has claimed an exemption provided by Subsection (c) of this section, closes a health spa or fails to open a health spa and a member of the health spa initiates or files a complaint with any governmental authority in this state relating to the closing of the health spa or the failure of the health spa to open, the registrant may still claim an exemption under Subsection (c) of this section for all health spas operating on the date the health spa closed or failed to open; however, the registrant shall provide the security required by Section 10 of this Act for all health spas the registrant opens after the date the spa closed or failed to open.

(e) If a health spa registrant, who has claimed an exemption provided by Subsection (c) of this section, has closed or failed to open more than one health spa and a member of one of the affected health spas initiates or files a complaint with any governmental authority in this state relating to the closing of a health spa owned by the registrant or the failure of a health spa owned by the registrant to open, the registrant shall no longer qualify for an exemption under Subsection (c) of this section and shall be subject to the provision of Subsection (i) of this section.

(f) If a health spa registrant, who has claimed an exemption provided by Subsection (c) of this section, is forced, due to an act of God or an act of a governmental authority beyond the control of the registrant, to move or temporarily close the location of the health spa which provides the basis for the exemption, the registrant may still claim an exemption under Subsection (c) of this section as long as the spa is not moved more than 10 miles from the original facility. This subsection shall apply regardless of whether the move is temporary or permanent.

(g) An exemption provided by this section is not transferable. If a health spa registrant sells or otherwise transfers ownership in a health spa for which an exemption from the security requirement has been granted, the new owner shall file a new application for an exemption or post the security required by Section 10 of this Act no later than the fifth day following the date of the sale or transfer.

(h) To claim an exemption provided by Subsection (c) of this section, a registrant must have continuously owned and operated at least one health spa which is eligible for an exemption under that subsection. A newly acquired health spa, regardless of its previous eligibility for an exemption, may not provide the basis for an exemption.

(i) The secretary, after notice and hearing, may refuse to issue or may permanently revoke a registrant's certificate of exemption if the secretary finds that the registrant:

(1) furnished false information on the application for exemption;

or

(2) no longer qualifies for an exemption.

The committee amendment was read and was adopted by a viva voce vote.

Senator West offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend S.B. 1100 as follows:

On page 17, line 23, between the words "by" and "Section" insert the words: "Subsection (b) of"

The committee amendment was read and was adopted by a viva voce vote.

On motion of Senator West and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 1100 ON THIRD READING

Senator West moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 1100 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1091 ON SECOND READING**

On motion of Senator Harris of Dallas and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1091, Relating to authorizing product tastings on the premises of a package store.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1091 ON THIRD READING**

Senator Harris of Dallas moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1091 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1184 ON SECOND READING

On motion of Senator Haley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1184, Relating to community/junior colleges and upper-level universities or centers located in the same state uniform service region and

to partnership agreements between those colleges and universities or centers.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1184 ON THIRD READING

Senator Haley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 1184 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE CONCURRENT RESOLUTION 88 ON SECOND READING

On motion of Senator Zaffirini and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading:

S.C.R. 88, Requesting that the public institutions of higher education report their current efforts in developing or providing health or human service care to the people of Texas to the Higher Education Coordinating Board.

The resolution was read second time and was adopted by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 589 ON SECOND READING

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 589, Relating to the Health Care Provider Referral Act; providing penalties for offenses and violations.

The bill was read second time.

On motion of Senator Moncrief and by unanimous consent, further consideration of C.S.S.B. 589 was temporarily postponed.

Question—Shall the bill be passed to engrossment?

COMMITTEE SUBSTITUTE SENATE BILL 1424 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1424, Relating to the regulation of psychologists and to the continuation of the Texas State Board of Examiners of Psychologists; providing penalties.

The bill was read second time.

Senator Parker offered the following amendment to the bill:

Amend C.S.S.B. 1424 as follows:

(1) Amend SECTION 16, Section 19A(a), by inserting a new Subdivision (2) to read as follows and renumbering current Subdivision (2) as Subdivision (3) (Committee Printing page 8, line 42):

~~(2) one member who is a licensed psychologist; and~~

(2) Amend SECTION 16, Section 19A(i)(7) (Committee Printing page 9, line 16) by deleting "without" and substituting the words "with minimal"

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Parker and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1424 ON THIRD READING**

Senator Parker moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1424 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 464 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 464, Relating to the regulation of credit unions.

The bill was read second time.

Senator Barrientos offered the following amendment to the bill:

Amend C.S.S.B. 464 on page 4, line 4, by deleting "1995" and replacing it with "1997".

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 464 ON THIRD READING**

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 464 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 778 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 778, Relating to the dedication of certain funds for the use of the Texas Commission on the Arts.

The bill was read second time.

Senator Montford offered the following amendment to the bill:

Amend **C.S.S.B. 778** on page 2 by adding on line 9 after "403.094(h)" and on line 18 after "403.094(h)" the following:
403.094(i). 403.095.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Montford and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 778 ON THIRD READING**

Senator Montford moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 778** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 589 ON SECOND READING**

The President laid before the Senate on its passage to engrossment **C.S.S.B. 589**, the bill having been read second time and further consideration temporarily postponed earlier today.

C.S.S.B. 589, Relating to the Health Care Provider Referral Act; providing penalties for offenses and violations.

Question—Shall the bill be passed to engrossment?

(Senator Madla in Chair)

Senator Moncrief offered the following amendment to the bill:

Amend **C.S.S.B. 589** as follows:

1. Page 1, line 56, following the word "center," strike the following:
"a lithotripsy center, a renal dialysis facility."

2. Page 4, line 47, following the word "corporation", insert the words "in exchange".

3. Page 4, line 58, following the word "corporation", insert the words "in exchange".

4. Page 2, line 69, following the word "member", strike "or bona fide employee";

Page 2, line 70, following the word "member's", strike "or employee's area of training or scope of practice" and insert the words "licensure, area of competence, and recognized scope of practice or specialty".

5. Page 3, lines 4 through 13, strike Subsection (4) and insert the following new subsection:

"(4) A health provider who provides health care goods or services at a health care facility by or under the personal supervision of the health care provider, and the health care goods or services are within the health care provider's licensure, area of competence, and recognized scope of practice or specialty. If the health care provider is a member of a group practice, the health care provider may refer a patient to another member of the group practice for the provision of health care goods or services at a health care facility if the health care goods or services are furnished by or under the personal supervision of the health care provider to whom the patient is referred, and the health care goods or services are within the health care provider's licensure, area of competence, and recognized scope of practice or specialty."

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Moncrief and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

COMMITTEE SUBSTITUTE SENATE BILL 589 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 589 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 1297 ON SECOND READING

On motion of Senator Armbrister and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1297, Relating to negotiable instruments.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1297 ON THIRD READING

Senator Armbrister moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 1297 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1356 ON SECOND READING**

On motion of Senator Barrientos and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1356, Relating to the Texas Department of Housing and Community Affairs.

The bill was read second time.

Senator Barrientos offered the following amendment to the bill:

Amend C.S.S.B. 1356 by deleting Subsection (a) of Section 1.24 on page 5, lines 39 through 42, and inserting in lieu thereof the following:

Sec. 124. ANNUAL REPORT. (a) Not later than one hundred (100) days following the close of the fiscal year, the executive director shall prepare and submit to the board an annual report of the department's activities for the preceding fiscal year.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Barrientos and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1356 ON THIRD READING**

Senator Barrientos moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1356 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1363 ON SECOND READING**

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1363, Relating to the provision of educational materials in the public schools to blind or visually handicapped students.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1363 ON THIRD READING**

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that C.S.S.B. 1363 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 1419 ON SECOND READING**

On motion of Senator Sims and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 1419, Relating to the taxable value of property in certain school districts.

The bill was read second time and was passed to engrossment by a viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 1419 ON THIRD READING**

Senator Sims moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.S.B. 1419** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

(President in Chair)

SENATE BILL 1466 ON SECOND READING

On motion of Senator Henderson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1466, Relating to appraisal districts, appraisal review boards, property tax appraisal rolls, property tax collections, and property tax appeals.

The bill was read second time.

Senator Henderson offered the following amendment to the bill:

Floor Amendment No. 1

Amend **S.B. 1466** as follows:

1. On page 5, line 11, insert between the words "a" and "final" the words "hearing on or a";
2. On page 8, line 4, following the word "interest" strike the word "that";
3. On page 15, line 14, between the words "hearing" and "and" insert the words "or was presented during other protest hearings on similar or related properties";
4. On page 16, line 21, insert between the words "if" and "the" the words "the trial was not requested by the property owner and".

The amendment was read and was adopted by a viva voce vote.

Senator Henderson offered the following amendment to the bill:

Floor Amendment No. 2

Amend S.B. 1466 by inserting a new section to read as follows:

SECTION _____. Sec. 6.06, Tax Code, is amended by adding Subsection (k) to read as follows:

(k) An appraisal district may pledge revenues from payments delinquent under Subsection (e) of this section as security for a loan. Funds secured through such loans may be used for any legal expenditure or purpose of an appraisal district under this title.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Henderson and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment by a viva voce vote.

SENATE BILL 1466 ON THIRD READING

Senator Henderson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 1466 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 1470 ON SECOND READING

On motion of Senator Madla and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1470, Relating to the provision of certain services to elderly persons by the Texas Department on Aging and the Texas Department of Human Services.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1470 ON THIRD READING

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that S.B. 1470 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

HOUSE BILL 66 ON SECOND READING

On motion of Senator Moncrief and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 66, Relating to the amount by which the salary of an official district court reporter may be increased.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 66 ON THIRD READING

Senator Moncrief moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 66** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

GUEST PRESENTED

The President introduced to the Senate Rachel Sibley, daughter of Senator Sibley.

The Senate welcomed Miss Sibley.

HOUSE BILL 502 ON SECOND READING

On motion of Senator Sibley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 502, Relating to the printing of a statement regarding a health care directive on the reverse side of a driver's license.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 502 ON THIRD READING

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 502** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

HOUSE BILL 2203 ON SECOND READING

On motion of Senator Haley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 2203, Relating to educational programs for students with disabilities.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 2203 ON THIRD READING

Senator Haley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 2203** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

MESSAGE FROM THE HOUSE

House Chamber
May 10, 1993

Mr. President: I am directed by the House to inform the Senate that the House has passed the following:

S.J.R. 45, Proposing a constitutional amendment providing for the issuance of general obligation bonds for acquiring, constructing, or equipping corrections institutions, including youth corrections institutions, and for major repair or renovation of existing facilities of those corrections institutions. (As amended)

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE BILL 1465 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 1465, Relating to the loading of certain vehicles carrying unprocessed grain on public highways.

The bill was read second time and was passed to engrossment by a viva voce vote.

SENATE BILL 1465 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **S.B. 1465** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

HOUSE BILL 800 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 800, Relating to school district use of a discriminatory athletic club for extracurricular activities.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 800 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H.B. 800 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

HOUSE BILL 681 ON SECOND READING

On motion of Senator Wentworth and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 681, Relating to truancy; providing a penalty.

The bill was read second time.

Senator Brown offered the following amendment to the bill:

Floor Amendment No. 1

Amend H.B. 681 as follows:

(1) In SECTION 3, Sec. 4.251 add the following after Subsection (c):

(d) Any person convicted of not more than one violation under this section while a minor, on attaining the age of 18 years, may apply to the court in which he was convicted to have the conviction expunged.

(e) The application shall contain the applicant's sworn statement that he was not convicted of any violation of this section while a minor other than the one he seeks to have expunged.

(f) If the court finds that the applicant was not convicted of any other violation of this section while he was a minor, the court shall order the conviction, together with all complaints, verdicts, sentences, and other documents relating to the offense, to be expunged from the applicant's record. After entry of the order, the applicant shall be released from all disabilities resulting from the conviction, and the conviction may not be shown or made known for any purpose.

The amendment was read and was adopted by a viva voce vote.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 2

Amend H.B. 681 as follows:

(1) In Section 1 of the bill, in amended Section 54.021(f), Family Code (page 2, line 5, Senate Committee Printing), after "resides" insert "or in the precinct where the child's school is located".

(2) In Section 2 of the bill, in amended Section 4.25(a), Education Code (page 2, line 38, Senate Committee Printing), between "located." and "In", insert "The attendance officer shall file a complaint under this section in the court to which the parent's child has been referred for engaging in conduct described in Section 51.03(b)(2), Family Code, if a referral has been made for the child.".

(3) In Section 2 of the bill, in amended Section 4.25(a), Education Code (page 2, line 53, Senate Committee Printing), between "offense." and "If", insert "Two or more offenses under this section may be consolidated and prosecuted in a single action.".

(4) In Section 3 of the bill, strike Section 4.251(a)(2), Education Code (page 2, lines 63 through 65, Senate Committee Printing), and substitute the following:

(2) fails to attend school for 10 or more days or parts of days in a six-month period or three or more days or parts of days in a four-week period without an excuse as provided by Section 21.035 of this code.

The amendment was read and was adopted by a viva voce vote.

On motion of Senator Wentworth and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by a viva voce vote.

HOUSE BILL 681 ON THIRD READING

Senator Wentworth moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 681** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

HOUSE BILL 2612 ON SECOND READING

Senator Patterson asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

H.B. 2612, Relating to the membership of the Coastal Coordination Council.

There was objection.

Senator Patterson then moved to suspend the regular order of business and take up **H.B. 2612** for consideration at this time.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Armbrister, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Barrientos, Truan.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 2612 ON THIRD READING

Senator Patterson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 2612** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Armbrister, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Barrientos, Truan.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 2. (Same as previous roll call)

HOUSE BILL 2182 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

H.B. 2182, Relating to the voluntary inclusion of land within certain water districts.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 2182 ON THIRD READING

Senator Brown moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **H.B. 2182** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE

HOUSE BILL 1096 ON SECOND READING

On motion of Senator Turner and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

C.S.H.B. 1096, Relating to exempting from ad valorem taxation property owned by certain charitable organizations.

The bill was read second time and was passed to third reading by a viva voce vote.

COMMITTEE SUBSTITUTE

HOUSE BILL 1096 ON THIRD READING

Senator Turner moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **C.S.H.B. 1096** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

The bill was read third time and was passed by a viva voce vote.

SENATE BILL 179 WITH HOUSE AMENDMENTS

Senator Parker called S.B. 179 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate.

Amendment No. 1

Amend S.B. 179, 62.662, (b), line 13 after the word commission, strike "~~shall~~" and substitute "may" [~~shall~~].

Amendment No. 2

Amend S.B. 179 by adding a new section to read as follows:

SECTION _____. Section 81.403(a), Parks and Wildlife Code, is amended to read as follows:

(a) Except as provided in Subsection (b) of this section, permits for hunting of wildlife or any other uses on game management areas shall be issued by the department to applicants by means of a fair method of distribution subject to limitations on the maximum number of permits to be issued.

Amendment No. 3

Amend S.B. 179 by adding a new section to read as follows:

SECTION _____. Section 81.402, Parks and Wildlife Code, is amended by amending Subsection (b) and adding Subsection (e) to read as follows:

(b) The department from time to time, as sound biological management permits, and until August 31, 1995, may allow open seasons for hunting and fishing.

(e) After August 31, 1995 and as sound biological management permits, the commission may only prescribe an open season for hunting after it has established a classification system for such areas in accordance with Section 13.001(b) of this code.

Amendment No. 4

Amend S.B. 179 by adding a new section to read as follows:

SECTION _____. Section 13.001, Parks and Wildlife Code, is amended by amending Subsection (b) and adding Subsection (e) to read as follows:

(b) The commission shall establish a classification system for state parks and wildlife management areas that categorize wildlife management areas, parks or a portion of parks as game management areas, recreational areas, natural areas or historical areas.

(e) The commission shall have the exclusive authority to determine sound biological management practices for all lands under its control.

The amendments were read.

Senator Parker moved to concur in the House amendments to S.B. 179.

The motion prevailed by the following vote: Yeas 27, Nays 4.

Yeas: Armbrister, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Montford, Nelson, Parker, Patterson, Ratliff, Shapiro, Shelley, Sibley, Sims, Turner, Wentworth, West, Whitmire, Zaffirini.

Nays: Barrientos, Moncrief, Rosson, Truan.

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Whitmire and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Criminal Justice might consider the following bills and resolution today:

H.J.R. 23
S.B. 1135
H.B. 23
H.B. 357
H.B. 116

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Montford and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Finance might consider S.B. 1487 today.

MEMORIAL RESOLUTION

S.R. 889 - By Barrientos: In memory of Charles E. Simons.

CONGRATULATORY RESOLUTIONS

H.C.R. 96 - (Turner): Commending the participants in the 1993 Texas Justice of the Peace and Constable Association convention.

H.C.R. 136 - (Madla): Recognizing Representative Bill Blackwood for his leadership in seeking and identifying effective and workable solutions to the drug crisis in Texas.

S.R. 883 - By Turner: Commending the agents of the Bureau of Alcohol, Tobacco and Firearms for the valor they displayed during the raid undertaken at Mount Carmel Center in Waco.

S.R. 884 - By Turner: Congratulating Mr. and Mrs. Johnnie Fischer of Giddings on the occasion of their 50th wedding anniversary.

S.R. 885 - By Madla: Congratulating Daniel Guerra of Alice High School on earning a National Merit Scholarship in the 1993 scholarship competition.

S.R. 886 - By Shelley: Congratulating Christopher Ross Peterson on achieving the rank of Eagle Scout.

S.R. 887 - By Leedom: Recognizing Don W. Daniel of the Dallas Independent School District, who is retiring from teaching after 34 years of service.

S.R. 890 - By Barrientos: Recognizing Melissa Arana of Austin for her courage in saving the life of her brother.

S.R. 891 - By Zaffirini, Montford: Recognizing Mark Johnson, who was selected for an international internship by the American Farrier Association.

S.R. 892 - By Nelson: Congratulating Mr. and Mrs. James R. Curtis of Graford on the occasion of their 50th wedding anniversary.

S.R. 893 - By Nelson: Congratulating Martha Emerine Bozzell Carriker of Mineral Wells on the occasion of her 100th birthday.

S.R. 894 - By Nelson: Congratulating Mr. and Mrs. Wayne Moss of Slidell on the occasion of their 50th wedding anniversary.

S.R. 895 - By Nelson: Congratulating Mr. and Mrs. David Richter on the occasion of their 50th wedding anniversary.

S.R. 896 - By Nelson: Congratulating Mr. and Mrs. John Adams of Bridgeport on the occasion of their 50th wedding anniversary.

S.R. 897 - By Nelson: Congratulating Mr. and Mrs. Glyn Thiebaud on the occasion of their 55th wedding anniversary.

S.R. 898 - By Nelson: Congratulating Orva Lou and Gene Jones of Weatherford on the occasion of their 50th wedding anniversary.

S.R. 899 - By Wentworth: Commending the leadership of the Environmental Coalition of Students (ECOS) of San Antonio in their efforts to encourage the use of recycled paper in Texas textbooks and teaching materials.

S.R. 900 - By Moncrief: Recognizing the Reverend Robert Boyd Gray, Pastor of the Greater Saint Stephens Missionary Baptist Church, for his 45 years of service to his congregation.

S.R. 901 - By Moncrief: Congratulating Andy Boomer on achieving the rank of Eagle Scout.

S.R. 904 - By Ellis: Congratulating Gifty Yaa Adoma Danso and Chris K. Wilmot on the occasion of their marriage.

S.R. 905 - By Lucio: Congratulating United States Army Recruiting Station Commander Christopher S. Norris on accomplishing a hole in one while golfing.

S.R. 906 - By Lucio: Congratulating Texas State Technical College on the occasion of the opening of the new George F. Young Engineering Center in Harlingen.

S.R. 907 - By Ratliff: Commending the students of this year's "Texas Team" of the MATHCOUNTS program for their contribution to the future of Texas in the areas of mathematics, science, and technology.

ADJOURNMENT

On motion of Senator Harris of Dallas, the Senate at 12:56 p.m. adjourned until 10:30 a.m. tomorrow.

APPENDIX

REPORTS OF STANDING COMMITTEES

The following committee reports were received by the Secretary of the Senate:

May 10, 1993

NATURAL RESOURCES — C.S.H.B. 1962, C.S.S.B. 999, C.S.S.B. 1435

STATE AFFAIRS — H.B. 479, H.B. 458, H.B. 535, H.B. 211, H.B. 78, H.B. 161 (Amended), H.B. 1852, H.B. 829, H.B. 167, H.B. 476, H.B. 1298, H.B. 370, H.B. 1011, C.S.S.B. 100

FINANCE — H.B. 2050, C.S.H.B. 891, H.B. 366, H.B. 394, H.B. 132, S.B. 1487, C.S.S.B. 1330

SUBCOMMITTEE ON ELECTIONS AND ETHICS — H.B. 565, H.B. 790, H.B. 76, H.B. 689, C.S.H.B. 162

SENT TO GOVERNOR

(May 10, 1993)

S.B. 175

S.B. 201

S.B. 654

S.B. 1075

SIXTY-FOURTH DAY

(Tuesday, May 11, 1993)

The Senate met at 10:30 a.m. pursuant to adjournment and was called to order by Senator Turner.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Carriker, Ellis, Haley, Harris of Tarrant, Harris of Dallas, Henderson, Leedom, Lucio, Luna, Madla, Moncrief, Montford, Nelson, Parker, Patterson, Ratliff, Rosson, Shapiro, Shelley, Sibley, Sims, Truan, Turner, Wentworth, West, Whitmire, Zaffirini.

A quorum was announced present.

The Reverend Doug Richnow, Assistant Rector, St. Matthew's Episcopal Church, Austin, offered the invocation as follows:

Gracious Father in heaven, who has created all things, pour out a special measure of Your creative power on our Lieutenant Governor, on the men and women of the Texas Senate, and on all